Electronically filed 11-3-06

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WRS, INC. d/b/a WRS MOTION PICTURE LABORATORIES, a corporation,	)	CIVIL DIVISION
	)	No.: 00-CV-2041
Plaintiff,	)	
v.	)	JUDGE WILLIAM L. STANDISH
PLAZA ENTERTAINMENT, INC., a corporation, ERIC PARKINSON, an individual, CHARLES VON BERNUTH, JOHN HERKLOTZ, an individual,	)	
Defendants.	)	

MOTION FOR LEAVE OF COURT TO FILE REPLY TO PLAINTIFF'S RESPONSE TO DEFENDANT HERKLOTZ'S MOTION TO TRANSFER VENUE PURSUANT TO 28 U.S.C. §1404(a)

AND NOW comes the Defendant, John Herklotz, (hereinafter "Herklotz" or "Mr. Herklotz"), by and through his attorneys, Burns, White & Hickton, LLC and John P. Sieminski, Esquire, and files the within Motion for Leave of Court to File Reply to Plaintiff's Response to Defendant Herklotz's Motion to Transfer Venue Pursuant to 28 U.S.C. §1404(a), of which the following is a statement:

1. On September 26, 2006, Herklotz filed a Motion to Transfer Venue Pursuant to 28 U.S.C. §1404(a), accompanied by a brief in support of the Motion.

2. Shortly thereafter, Plaintiff WRS filed a Response to the Motion to Transfer Venue, as well as a brief in support of that response.

3. In the Motion, Herklotz asserts, *inter alia*, that transfer of venue is appropriate in this matter due to his declining health, the location of several key witnesses, and for the convenience of the parties.

4. In response to those assertions, Plaintiff cites numerous cases that Plaintiff alleges require that certain specific criteria be met, including the filing of affidavits in support by each of the witnesses, prior to the Court's granting a motion to transfer venue.

5. Plaintiff further asserts that several of the witnesses are not relevant to the issues remaining in this case, and, therefore, ought not factor into this Court's consideration of the Motion to Transfer.

6. Herklotz disputes the applicability of the citations offered by Plaintiff and the arguments made in conjunction with those citations, and would like the opportunity to respond to those assertions.

7. Local guidance on the Practices and Procedures of this Court require that any party wishing to file a reply in motions practice first seek leave of Court for permission to do so.

8. Local Practices and Procedures further state that any reply, if leave is granted, will be limited to five (5) pages.

WHEREFORE, Defendant John Herklotz hereby requests leave of this Court, in the form of the Order attached hereto, for permission to file a Reply to Plaintiff's Response to the Motion to Transfer Venue.

Respectfully submitted,

By: /s/ John P. Sieminski

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within **Motion for Leave of Court** has been served on counsel listed below by electronic mail on this 3rd day of November, 2006:

Thomas E. Reilly, Esquire
Thomas E. Reilly, P.C.
2025 Greentree Road
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John W. Gibson, Esquire
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Erik Parkinson, individually and
as President of Plaza Entertainment, Inc.
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(via U.S. mail)

BURNS, WHITE & HICKTON, LLC

By: /s/ John P. Sieminski
John P. Sieminski, Esquire
Attorneys for Defendant, John Herklotz